

**ASSEMBLY BILL**

**No. 1623**

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**Introduced by Assembly Member Atkins**

February 10, 2014

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An act to add Title 5.3 (commencing with Section 13750) to Part 4 of the Penal Code, relating to family justice centers.

LEGISLATIVE COUNSEL'S DIGEST

AB 1623, as introduced, Atkins. Family justice centers.

Existing law, until January 1, 2014, authorized the Cities of Anaheim and San Diego, and the Counties of Alameda and Sonoma to establish, as a 2-year pilot project, a multiagency, multidisciplinary family justice center to assist victims of domestic violence, officer-involved domestic violence, sexual assault, elder or dependent adult abuse, stalking, cyberstalking, cyberbullying, and human trafficking, to ensure that victims of abuse are able to access all needed services in one location and to enhance victim safety, increase offender accountability, and improve access to services for victims of crime, as provided. That law permitted the family justice centers to be staffed by law enforcement, medical, social service, and child welfare personnel, among others. That law required each family justice center to consult with community-based crime victim agencies, survivors of violence and abuse, and their advocates in the operations process of the family justice center and to develop a procedure for input, feedback, and evaluation of the family justice center.

This bill would reenact and recast those provisions to authorize, commencing January 1, 2015, any city, county, or community-based nonprofit organization to establish a multiagency, multidisciplinary family justice center to assist victims of domestic violence, sexual

assault, elder abuse, and human trafficking, as specified. The bill would also specify additional confidentiality provisions relating to information disclosed by a victim in a family justice center, as provided, and would require each family justice center to maintain a mandatory training for all staff members, volunteers, and agency professionals.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Title 5.3 (commencing with Section 13750) is added to Part 4 of the Penal Code, to read:

TITLE 5.3. FAMILY JUSTICE CENTERS

13750. (a) A city, county, city and county, or community-based nonprofit organization may each establish a multiagency, multidisciplinary family justice center to assist victims of domestic violence, sexual assault, elder abuse, and human trafficking, to ensure that victims of abuse are able to access all needed services in one location in order to enhance victim safety, increase offender accountability, and improve access to services for victims of domestic violence, sexual assault, elder abuse, and human trafficking.

(b) For purposes of this title, the following terms have the following meanings:

(1) "Abuse" has the same meaning as set forth in Section 6203 of the Family Code.

(2) "Domestic violence" has the same meaning as set forth in Section 6211 of the Family Code.

(3) "Sexual assault" means an act or attempt made punishable by Section 220, 261, 261.5, 262, 264.1, 266c, 269, 285, 286, 288, 288.5, 288a, 289, or 647.6.

(4) "Elder abuse" means an act made punishable by Section 368.

(5) "Human trafficking" has the same meaning as set forth in Section 236.1.

(c) For purposes of this title, family justice centers shall be defined as multiagency, multidisciplinary service centers where public and private agencies assign staff members on a full-time or

1 part-time basis in order to provide services to victims of domestic  
2 violence, sexual assault, elder abuse, or human trafficking from  
3 one location in order to reduce the number of times victims must  
4 tell their story, reduce the number of places victims must go for  
5 help, and increase access to services and support for victims and  
6 their children. Staff members at a family justice center may be  
7 comprised of, but are not limited to, the following:

- 8 (1) Law enforcement personnel.
- 9 (2) Medical personnel.
- 10 (3) District attorneys and city attorneys.
- 11 (4) Victim-witness program personnel.
- 12 (5) Domestic violence shelter service staff.
- 13 (6) Community-based rape crisis, domestic violence, and human  
14 trafficking advocates.
- 15 (7) Social service agency staff members.
- 16 (8) Child welfare agency social workers.
- 17 (9) County health department staff.
- 18 (10) City or county welfare and public assistance workers.
- 19 (11) Nonprofit agency counseling professionals.
- 20 (12) Civil legal service providers.
- 21 (13) Supervised volunteers from partner agencies.
- 22 (14) Other professionals providing services.

23 (d) Nothing in this section is intended to abrogate existing laws  
24 regarding privacy or information sharing. Family justice center  
25 staff members shall comply with the laws governing their  
26 respective professions.

27 (e) Victims of crime shall not be denied services on the grounds  
28 of criminal history. No criminal history search shall be conducted  
29 of a victim at a family justice center without the victim's written  
30 consent unless the criminal history search is pursuant to a criminal  
31 investigation.

32 (f) Victims of crime shall not be required to participate in the  
33 criminal justice system or cooperate with law enforcement in order  
34 to receive counseling, medical care, or other services at a family  
35 justice center.

36 (g) (1) Each family justice center shall consult with  
37 community-based domestic violence, sexual assault, elder abuse,  
38 and human trafficking agencies in partnership with survivors of  
39 violence and abuse and their advocates in the operations process  
40 of the family justice center, and shall establish procedures for the

1 ongoing input, feedback, and evaluation of the family justice center  
2 by survivors of violence and abuse and community-based crime  
3 victim service providers and advocates.

4 (2) Each family justice center shall develop policies and  
5 procedures, in collaboration with local community-based crime  
6 victim service providers and local survivors of violence and abuse,  
7 to ensure coordinated services are provided to victims and to  
8 enhance the safety of victims and professionals at the family justice  
9 center who participate in affiliated survivor-centered support or  
10 advocacy groups. Each family justice center shall maintain a formal  
11 client feedback, complaint, and input process to address client  
12 concerns about services provided or the conduct of any family  
13 justice center professionals, agency partners, or volunteers  
14 providing services in the family justice center.

15 (h) (1) Each family justice center shall maintain an informed  
16 client consent policy and shall be in compliance with all state and  
17 federal laws protecting the confidentiality of the types of  
18 information and documents that may be in a victim's file, including,  
19 but not limited to, medical, legal, and victim counselor records.  
20 Each family justice center shall have a designated privacy officer  
21 to develop and oversee privacy policies and procedures consistent  
22 with state and federal privacy laws and the Fair Information  
23 Practice Principles promulgated by the United States Department  
24 of Homeland Security. At no time shall a victim be required to  
25 sign a client consent form to share information in order to access  
26 services.

27 (2) Each family justice center is required to inform the victim  
28 that information shared with staff members at a family justice  
29 center may, under certain circumstances, be shared with law  
30 enforcement professionals. Each family justice center shall obtain  
31 written acknowledgment that the victim has been informed of this  
32 policy.

33 (3) Information obtained from victims in family justice centers  
34 shall be privileged and confidential to the extent it is protected  
35 from disclosure under existing California or federal law. Nothing  
36 in this title related to confidentiality and client-authorized  
37 information sharing is intended to change existing state law.

38 (4) A victim's consent to share information pursuant to the client  
39 consent policy shall not be construed as a waiver of confidentiality

1 or any privilege held by the victim or family justice center  
2 professionals.

3 (5) An authorization by a victim for sharing information within  
4 a family justice center pursuant to this section shall not be  
5 construed as a universal waiver of any existing evidentiary  
6 privilege that makes confidential any communications or  
7 documents between the victim and any service provider, including,  
8 but not limited to, any lawyer, advocate, sexual assault or domestic  
9 violence counselor as defined in Section 1035.2 or 1037.1 of the  
10 Evidence Code, human trafficking caseworker as defined in Section  
11 1038.2 of the Evidence Code, therapist, doctor, or nurse. Any oral  
12 or written communication or any document authorized by the  
13 victim to be shared for the purposes of enhancing safety and  
14 providing more effective and efficient services to the victim of  
15 domestic violence, sexual assault, elder abuse, or human trafficking  
16 shall not be disclosed to any third party, unless that third-party  
17 disclosure is authorized by the victim, or required by other state  
18 or federal law or by court order.

19 (i) An individual staff member, volunteer, or agency that has  
20 victim information governed by this section shall not be required  
21 to disclose that information unless the victim has authorized the  
22 disclosure or it is otherwise required by other state or federal law  
23 or by court order.

24 (j) A disclosure of information authorized by the victim in a  
25 family justice center, made for the purposes of clinical assessment,  
26 risk assessment, safety planning, or service delivery, shall not be  
27 deemed a waiver of any privilege or confidentiality provision  
28 contained in Sections 2263, 2918, 4982, and 6068 of the Business  
29 and Professions Code, the lawyer-client privilege protected by  
30 Article 3 (commencing with Section 950) of Chapter 4 of Division  
31 8 of the Evidence Code, the physician-patient privilege protected  
32 by Article 6 (commencing with Section 990) of Chapter 4 of  
33 Division 8 of the Evidence Code, the psychotherapist-patient  
34 privilege protected by Article 7 (commencing with Section 1010)  
35 of Chapter 4 of Division 8 of the Evidence Code, the sexual assault  
36 counselor-victim privilege protected by Article 8.5 (commencing  
37 with Section 1035) of Chapter 4 of Division 8 of the Evidence  
38 Code, or the domestic violence counselor-victim privilege protected  
39 by Article 8.7 (commencing with Section 1037) of Chapter 4 of  
40 Division 8 of the Evidence Code.

1     13751. Each family justice center established pursuant to  
2 subdivision (a) of Section 13750 shall maintain a formal training  
3 program with mandatory training for all staff members, volunteers,  
4 and agency professionals of not less than eight hours per year on  
5 subjects, including, but not limited to, privileges and  
6 confidentiality, information sharing, risk assessment, safety  
7 planning, victim advocacy, and high-risk case response.

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